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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,333	08/21/2001	David Goldberg	105864	6794
27074	7590	12/15/2006	EXAMINER	
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			LAO, LUN YI	
			ART UNIT	PAPER NUMBER

2629

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/682,333	<b>Applicant(s)</b> GOLDBERG ET AL.	
	<b>Examiner</b> LUN-YI LAO	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 12-15 recites the limitation "the changed stored information" in claims 12-15, lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fishkin et al (EP 0,929,027).

As to claims 1-3 and 5-7, Fishkin et al teach a method for transferring information comprising storing information about the user (user identification) in a physically manipulatable reified device (a key or a guard dog) (see figure 43; and paragraphs 24, 142-143 and 145-146); providing a manipulatable user interface

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between a responsive device(610)(see figures 43-44 and paragraphs 140-141); and physically manipulatable reified device(a key or a guard dog)(see figures 43-44 and paragraphs 142 and 145-146); placing an object(a user's finger or hand) relative to the physically manipulated device(key or garage dog); wherein relatively placing the object(user's finger or hand) and the physically manipulatable reified device and/or physically manipulating the manipulatable device communicates at least some of stored information about the user(fingerprints ) to the responsive device(see figures 43-44 and paragraphs 142 and 145-146). Fishin et al teach a method for placing the object(a users' finger or hand) on the physically manipulated device(a key or a guard dog) provides recognition of the user(user's fingerprints)(see figures 43-44 and paragraphs 145-147).

As to claims 2 and 6, Fishkin et al each the stored information having the level of authority of user(a user having an authority operating a computer system)(see figures 44-45 and paragraphs 142-143 and 145-146).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al(EP 0,929,027).

Fishkin fails to point out placing a hat on the physically maipulatable device provide recognition of the user.

Fishkin et al teach an object is a hat(730) and placing a user's finger on the physically maipulatable device provide recognition of the user(see figures 43-45 and paragraphs 145-148). It would have been obvious placing a hat on the physically maipulatable device provide recognition of the user since Fishkin et al teach a user identifiers would fingerprints or other unique identifiers(see paragraph 145).

7. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al in view of Woolston(5,845,265).

Fishkin et al fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(an asset of a user)(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Fishkin et al with the teaching of Woolston, Since using a credit card number as an ID number is more secure, a user does not need to memorize it since the other users would not easy to find out and people would always carry with it and Fishkin et al teach the user's information could be user's unique identification or a personal identification number(see paragraphs 143 and 145-146).

8. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Takagi(6,052,116).

As to claims 1-3 and 5-7, Shintani teaches a method for transferring information comprising information about the user in a physically manipulatable reified device(3); providing a manipulatable user interface between a responsive device (computer and display(4)) and physically manipulatable reified device(3); wherein relatively placing the object(2) and the physically manipulatable reified device(3) and/or physically manipulating physically manipulatable device(3) communicates at least some of information about the user(authorization user) to the responsive device(see figures 1-3; column 2, lines 24-68 and column 3, lines 1-48). Shintani teaches the object(2) placing on the physically maipulatable device provide recognition of the user(personal identification information(see figures 1-2 and column 2, lines 33-44).

Shintani fails to disclose a physically manipulatable device having a memory.

Takagi teach a physically manipulatable device(12) having a memory for storing information(see figures 1-5; column 4, lines 7-14 and lines 31-44; and column 5, lines 6-50). It would have been obvious to have modified Shintani with the teaching of Takagi, so the information about the user could be temporarily stored in a memory and the data stored in the transmission buffer are transmitted in the order of saving at a predetermined interval(see column 5, lines 48-50).

As to claims 2 and 6, Shintani teaches the stored information having the level of authority of user(see figure 2; column 2, lines 40-44 and column 3, lines 4-48).

9. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view Takagi of Woolston(5,845,265).

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Shintain as modified fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(an asset of a user)(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Shintani with the teaching of Woolston, Since using a credit card number as an ID number is more secure and a user does not need to memorize it since the other users would not easy to find out and people would always carry with it.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Takagi and Gershon(6,257,984).

Shintai as modified fails to disclose an object is a hat.

Gershon teach a card(23, 34) can mounted on a hat(24)(see figures 1-3; column 1, lines 58-67 and column 2, lines 1-17). It would have been obvious to have modified Shintani with the teaching of Gershon, since mounting a card on a user's hat is a alternative to mounting a card on a user's hat, mounting a card on a user's hat is more comfortable than hanging a card on a user's neck and it can avoid loss and damage the card(see column 1, lines 31-35).

11. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al(EP 0,929,027) in view of Goodman et al(5,402,492).

Fishkin et al fail to change the stored information about the user's level of access to the responsive device.

Goodman et al teach a method for changing the stored information about the user's level of access to the responsive device(a first administrative, a second user

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level) in a memory(125)(a user's information stored in memory could be changed)(see figures 2, 9-11; abstract; column 6, lines 1-23; column 25, lines 23-68 and column 26, lines 1-16). It would have been obvious to have modified Fishkin et al with the teaching of Goodman et al, so a user's information could be changed as needed.

12. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Takagi(6,052,116) and Goodman et al(5,402,492).

Shintani as modified fail to change the stored information about the user's level of access to the responsive device.

Goodman et al teach a method for changing the stored information about the user's level of access to the responsive device(a first administrative, a second user level) in a memory(125)(a user's information stored in memory could be changed)(see figures 2, 9-11; abstract; column 6, lines 1-23; column 25, lines 23-68 and column 26, lines 1-16). It would have been obvious to have modified Shintani as modified with the teaching of Goodman et al, so a user's information could be changed as needed.

13. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al(EP 0,929,027) in view of Kikinis(5,746,602) and Preston(6,336,149).

Fishkin et al as modified fail to place the object and the physically manipulatable device and/or physically manipulating the physically manipulatable device causes the physically manipulatable device to record macros and/or playback macros within the responsive device.

Kikinis teach a method for place the object (a user's finger) and the physically manipulatable device(13, doll) and/or physically manipulating the physically



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manipulatable device(13, doll) causes the physically manipulatable device to record and/or playback(see figure 1; column 1, lines 46-54 and column 5, lines 17-25). It would have been obvious to have modified Fishkin et al with the teaching of Kikinis, so as to provide more function on the physically manipulatable device.

Preston teach a method for place the object(a user's finger) and the physically manipulatable device(14) and/or physically manipulating the physically manipulatable device(14)(a user's finger pressing a key(92, 93) causes the physically manipulatable device to record and/or playback macros within a computer(see figure 1; column 4, lines 17-37 and column 7, lines 35-60). It would have been obvious to have modified Fishkin et al as modified with the teaching of Preston, so as to increase the processing of input data.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yee et al(6,380,924) teach an input device having rewind, play, stop and record keys for recording and playback macros.

McClard(6,438,752) teaches a remote controller having a viewer identifier(72).

Fuku et al(6,868,170) teaches a vehicle system having a fingerprint verification unit.

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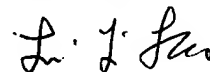
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 11, 2006



Lun-yi Lao  
**Primary Examiner**